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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/359,795	07/26/99	YAMADA Y	P7156-9038

MM21/0426

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EXAMINER	
FLETCHER,M	

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 04/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/359,793	07/26/99	YAMADA	P7156-9038

EXAMINER	
FLETCHER, Y	

ART UNIT	PAPER NUMBER
2827	

MMC1/0424
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DATE MAILED: 4/26/00
~~04/24/00~~
Remail

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Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/359,793	Applicant(s) Yamada et al.
	Examiner Marlon Fletcher	Group Art Unit 2837

☒ Responsive to communication(s) filed on *Feb 10, 2000* .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-7* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-7* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the abstract does not provide a concise statement of the technical disclosure of the invention. Rather, the abstract refers to purported merits. The abstract appears to disclose claim limitations. Furthermore, the abstract contains the legal terminology "said." Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruf (5,850,048) in view of Yamada et al. (5,614,687).

As recited in claims 1 and 7, Ruf discloses an audio signal processing apparatus capable of changing the tempo of an audio signal, said apparatus comprising: magnification designating means (133,134) capable of designating a plurality of different magnifications; means capable of automatically detecting a BPM or a beat period of the audio signal as discussed in column 2, lines 43-48, changing the BPM or the beat period in accordance with a magnification designated by the

magnification designating means, changing the tempo of the audio signal in accordance with the changed BPM and the changed beat period as discussed in column 3, lines 1-16.

As recited in claim 2, Ruf discloses the audio signal processing apparatus, wherein manual designating means (130) is provided for designating any optional value serving as a BPM and a beat period.

As recited in claim 3, Ruf discloses the audio signal processing apparatus, wherein fine adjustment means is provided to effect a fine adjustment on a BPM and a beat period, as discussed in column 2, lines 43-48, wherein any direct adjustment can be made, and thereby effecting the same based on the direct adjustment.

As recited in claim 4, Ruf discloses the audio signal processing apparatus, wherein indicators (103) are provided to indicate a BPM and a beat period.

Ruf does not disclose that the audio signal as an input into the apparatus.

However, as recited in claims 1 and 7, Yamada et al. disclose an apparatus which comprises audio input means for inputting an audio signal into the apparatus as seen in figure 1, wherein the apparatus detects beats per minute of the audio input signal via BPM detectors (101 to 103).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yamada et al. with the apparatus of Ruf, because Ruf discloses magnification means, means for detecting beats per minute of an audio signal, and means for changing the beats per minute of the audio signal, wherein an audio signal is processed, and

Yamada et al. enhances the apparatus of Ruf by allowing the audio signal to be input from an external source into the apparatus, wherein beats per minute are detected and processed.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruf in view of Yamada et al. as applied to claims 1-4 above, and further in view of Rothbart (4,733,593).

Ruf and Yamada et al. are discussed above. Neither Ruf nor Yamada et al. disclose a mixer for mixing a changed tempo signal with the input audio signal.

However, as recited in claims 5 and 6, Rothbart discloses an audio signal processing apparatus, wherein a mixer is provided and wherein mixing ratio adjusting means adjusts a mixing ratio such that an audio signal generated by changing the tempo of the audio signal may be mixed with the input audio signal, thereby producing a newly formed audio signal as discussed in column 3, lines 18-21 and lines 27-32, and as discussed in column 6, line 33 through column 7, line 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Rothbart with the apparatus Ruf in view of Yamada et al., because Rothbart enhances the combination of Ruf and Yamada et al., by providing means for mixing signals to thereby produce a new signal.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that both Ruf and Rothbart lack means for inputting an audio signal. The references teach the claimed invention except for the inputting means. The new rejection provides the lacking input means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Fletcher whose telephone number is (703) 308-0848.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MTF

April 23, 2000

Marlon Fletcher

Patent Examiner

Art Unit 2837